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Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. Claims 45-49, 51-55, and 57-59 have been examined.

#### ***Response to Amendment***

2. The Appeal Brief filed on 6/13/06 sufficient to overcome prior rejection. A new 35 USC 103 rejection has been made.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-49, 51-55, and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klug (6,823,327) in view of Gardenswartz (6,055,573) in view of Madison (2002/0023123).

Claims 45, 48, 49, 51, 54, 55, 57: Klug discloses a method, system, program for automatically electronically registering a user with a plurality of consumer providers, said method comprising the steps of:

receiving at each of a plurality of server systems a user profile comprising a plurality of profile elements transmitted in a particular transmittable data format for a particular user from a portable computer system, wherein each of said plurality of server systems is respectively associated with one of a plurality of consumer providers;

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inserting each of said plurality of profile elements respectively into a specified plurality of electronic registration elements required for electronic registration at a particular server system from among said plurality of server systems; and

transmitting a registration indicator for said particular user from said particular server system to said portable computer system in said particular transmittable data format, such that said particular user is automatically registered with said plurality of consumer providers by transmitting said single user profile to said plurality of server systems; and

transmitting a registration information from said particular server system to said portable computer system (Abstract; Fig. 1; Fig 2; Fig. 3; Fig. 5; Fig. 6 ; Fig. 9).

Klug further discloses that the user registration information with indicators of who the user has successfully registered with can be stored at the user device(Fig. 1; col 6, lines 27-35).

Klug further discloses user profile information (Fig. 3).

Klug discloses that the user utilizes the Internet and browsers and computers (Fig. 1).

Klug does not explicitly disclose the utilization of cookies, a portable computer, or targeting.

However, Gardenswartz discloses the utilization of cookies (col 2, lines 3-55) and Gardenswartz further discloses targeting a user and a user registering (col 3, lines 30-45), and utilizing the Internet (Fig. 1), and utilizing a portable computer device (col 11, lines 55-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's portable computer and utilizing profile information for targeting and utilizing standard Internet technologies such as cookies to Klug's utilizing the Internet and collecting of user profile information given to third party websites. One

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would have been motivated to do this in order to utilize the further location flexibility and convenient technical qualities of the Internet and to make better use of known user information for sending information of more likely interest to the user.

Additionally, the combination of the prior art renders obvious:

Generating a request to transmit a plurality of profile elements to a selected server system from among a plurality of server systems;

Transmitting said request to a portable computer system in response to a determination that said portable computer system is within a particular proximity to said plurality of server systems;

Receiving a user profile comprising said plurality of profile elements in a particular transmittable data format at said selected server system from said portable computer system;

Wherein said selected server system is identified at said portable computer system utilizing data within said plurality of profile elements specifying a consumer preference in response to a receipt of said request at said portable computer system.

Klug discloses generating a request to transmit a plurality of profile elements to a selected server system from among a plurality of server systems (Klug, Fig. 1);

Receiving a user profile comprising said plurality of profile elements in a particular transmittable data format at said selected server system from said portable computer system (Klug, Fig. 1).

Klug further discloses determining at the user computer based on user preferences which server to communicate with:

“(10) In either embodiment, the present invention may also provide a "mass"

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registration capability, wherein a user may request that the present invention automatically register the user at a plurality of web sites. For example, the user may be provided with a capability to search for web sites cooperating with the present invention by, for example, category and request an automatic registration at multiple web sites substantially simultaneously” (col 2, line 65-col 3, line 7).

Klug further discloses utilizing personal information, location information

“(4) Thus, in order to obtain these web site measurements, such web sites have begun requesting that each user provide information about himself/herself prior to the web site allowing access to web site services. That is, such web sites require a user to "register" at the web site, wherein the user is required to establish a user identification (user ID) and optionally a password with the web site as well as typically provide personal information such as, for example, the city of residence or family size” (col 1, lines 45-56).

Klug further discloses targeting users based on preferences:

“Further, such third party web sites 116 may periodically provide the registrar web site 100 with information related to the frequency that users registered at the registrar web site 100 have accessed the third party web sites 116. Therefore, by also storing this information, for example, in the registrar access log 152, the registrar web site 100 is able to determine the frequency and type of access of third party web sites 116 by users” (col 5, lines 45-55)

Klug further discloses that the user is requested to provide information:

“(4) Thus, in order to obtain these web site measurements, such web sites have begun requesting that each user provide information about himself/herself prior to the web site allowing access to web site services. That is, such web sites require a user to "register" at the

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web site, wherein the user is required to establish a user identification (user ID) and optionally a password with the web site as well as typically provide personal information such as, for example, the city of residence or family size (col 1, lines 45-56).

FIGS. 6A and 6B provide a flowchart of the steps performed when supplying a third party web site 116 with registration information from the registrar web site 100, assuming that the third party web site has requested such information and that the request has been authenticated at the registrar web site 100 (col 3, lines 42-48);

Thus, the third party web site 116 requests and receives the user's registration information from the registrar web site 100 and stores the user's registration information in registration information database 148 directly accessible by the third party web site 116. Additionally note that when the registrar web site 100 receives a request from the third party web site 116 for user registration information, a registrar application 128 records the request for the user's registration information in a registrar access log data base 152. Thus, the registrar web site 100 maintains a log of the third party web sites requesting registration information. Further, such third party web sites 116 may periodically provide the registrar web site 100 with information related to the frequency that users registered at the registrar web site 100 have accessed the third party web sites 116. Therefore, by also storing this information, for example, in the registrar access log 152, the registrar web site 100 is able to determine the frequency and type of access of third party web sites 116 by users (col 5, lines 35-55).

(11) Referring now briefly to FIG. 3, this flowchart presents the steps a user performs when entering web site registration information into the fillout forms to be submitted to registrar. Accordingly, in step 304 the user determines whether to supply basic information

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(i.e., requested by a substantial number of third party web sites 116) as described in step 308 or to supply expanded information (i.e., more extensive information about the user so that, for example, registrar has sufficient user information to register the user at substantially all cooperating third party web sites 116). Note that at least in one embodiment, the basic information supplied in step 308 (i.e., the user's name, e-mail address, gender and date of birth) is also requested in the forms for expanded information in step 312 (col 8, lines 40-55).

Accordingly, assuming the user uses a WWW browser 120 to access a third party web site 116 as in step 404, the third party web site responds with a web site home page (step 408) typically having a registration fill-out form into which the user is requested to enter registration information. Note that the user may or may not be registered at this third party web site (col 9, lines 10-16).

Note that a third party web site 116 may request various categories of information from the registrar web site 100 related to the user. In particular, a third party web site may request: (a) basic information as discussed in step 308 of FIG. 3; (b) expanded information as discussed in step 312 of FIG. 3; (c) custom information, wherein selected fields from the basic and expanded information are provided; and (d) proprietary information wherein one or more additional user related information items may be provided wherein these items have been obtained by the registrar web site 100 by, for example, enriching and verifying the registration information obtained from the user as in step 256 of FIG. 2B". (col 10, line 58-col 11, line 5).

Klug does not explicitly disclose utilizing proximity to determine whether or not to communicate with a user.



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However, Gardenswartz discloses disclosing utilizing location/geographic information to determine whether or not communicate with a user:

“(61) In step 1010, the registration server 14 presents the consumer with a reward for fulfilling the value contract. Delivery of the reward may be conditioned on the behavior of the consumer. For example, acceptance of the reward may require that the consumer to visit a specified retail location such as a specific grocery store. Accordingly, the value contract can be implemented to provide the consumer with an incentive to visit selected locations. The locations may be selected on the consumer's preestablished shopping habits (e.g., the grocery store that the consumer frequents most often), as determined from the master record corresponding to the consumer in the purchase history database 8. After step 1010, the process proceeds to step 1014” (col 16, lines 35-50).

Gardenswartz further discloses utilizing user preference information to determine what to communicate to the user or not:

“The online profile may include information such as the consumer's name CID, e-mail address, product/brand preferences, demographic information, work address, home address, whether the consumer has any babies, and whether the consumer has any pets such as a cat, dog, bird, or fish. Preferably, the online profile includes at least one item of information that is stored (or is to be stored) in the purchase history database 8. While referred to as an online profile, the profile may be generated or obtained on an offline basis, such as by filling out a card in a grocery store, for example. Other forms of registration may include a consumer entering registration information at a kiosk in the grocery store after scanning the bar

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code or alternatively swiping the magnetic strip of his or her shopper loyalty card through a magnetic strip reading device. The profile preferably includes information of how to transmit by computer information to the consumer, such as the consumer's e-mail address, IP (Internet protocol) address, or any information which may be used to electronically send information to the consumer, including, for example, through a paging device or a portable computer (col 11, lines 42-65).

(78) Accordingly, steps 1100 through 1112 may be implemented to engage in different targeted messages with different classifications of consumers. Since the classifications are based on the offline purchase history of the consumers, the targeted messages can be targeted based on the consumers offline tastes and preferences. If the targeted messages are interactive messages, the flexibility of the interactive messages permits each different message to be tailored based on the inputs received from consumer, further enhancing the degree to which advertisements and offers can be targeted" (col 20, lines 40-50).

And, Madison discloses communicating with a portable computer system in response to a determination that said portable computer system is within a particular proximity to said plurality of server systems/website/particular locations (Abstract; Fig. 2; Fig. 3; paragraph [7, 32]) and that based on the position of the user a request for demographic information will or will not be made ([32]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's and Madison's utilizing proximity to determine whether or not to communicate to a user to Klug's communicating with a user, targeting a user,

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and user location information. One would have been motivated to do this in order to communicate with the user when the information may be of higher relevance to the user.

Claim 46, 52, 58: Klug and Gardenswartz and Madison disclose the above and Klug further discloses storing said electronic registration in association with said particular registration indicator at said particular server system (Abstract; Fig. 1; Fig 2; Fig. 3; Fig. 5; Fig. 6; Fig. 9).

Claim 47, 53, 59: Klug and Gardenswartz and Madison discloses the above and Klug further discloses that in response to receiving said registration indicator at said particular server system, retrieving said electronic registration for said particular user (Abstract; Fig. 1; Fig 2; Fig. 3; Fig. 5; Fig. 6; Fig. 9).

### ***Response to Arguments***

3. Applicant's arguments with respect the claims have been considered but are moot in view of the new ground(s) of rejection. Also, the following comments are made below in response to the Applicant's arguments in the Appeal Brief dated 6/13/06.

On page 9 of the Appeal Brief dated 6/13/06, Appellant states the combination of the prior art fails to disclose or suggest, "a registration process in which a server generates and transmits a request to a portable computer system to transmit multiple profile elements that specify consumer preferences".

However, in Klug's Fig. 1 the Registrar Web Site sends a request to the user for user registration information and the registration information includes user profile/registration/preference information (Klug, Fig. 1, Fig 2a, Fig 3, 4a). Also, each time the user access a new third party Website the user is requested to provide registration/profile information (Fig. 4a). Examiner further notes that the Registration information can include

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preferred website (Fig. 2a, item 208) as well as both basic personal user information and a variety of expanded user related information (Fig. 3, items 308, 312).

Also, as noted in the rejection above, Gardenswartz further discloses that user profile/registration information can include user preferences:

“The online profile may include information such as the consumer's name CID, e-mail address, product/brand preferences, demographic information, work address, home address, whether the consumer has any babies, and whether the consumer has any pets such as a cat, dog, bird, or fish. Preferably, the online profile includes at least one item of information that is stored (or is to be stored) in the purchase history database 8. While referred to as an online profile, the profile may be generated or obtained on an offline basis, such as by filling out a card in a grocery store, for example. Other forms of registration may include a consumer entering registration information at a kiosk in the grocery store after scanning the bar code or alternatively swiping the magnetic strip of his or her shopper loyalty card through a magnetic strip reading device. The profile preferably includes information of how to transmit by computer information to the consumer, such as the consumer's e-mail address, IP (Internet protocol) address, or any information which may be used to electronically send information to the consumer, including, for example, through a paging device or a portable computer (col 11, lines 42-65).

(78) Accordingly, steps 1100 through 1112 may be implemented to engage in different targeted messages with different classifications of consumers. Since the classifications are based on the offline purchase history of the consumers, the targeted messages can be targeted

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based on the consumers offline tastes and preferences. If the targeted messages are interactive messages, the flexibility of the interactive messages permits each different message to be tailored based on the inputs received from consumer, further enhancing the degree to which advertisements and offers can be targeted” (col 20, lines 40-50).

Also, as noted in the rejection above, Gardenswartz discloses that the user computer can be a portable computer system (col 11, lines 55-65). Also, MPEPE 2144.04.V.A. discloses that it is obvious to make a device portable.

Also, note that Gardenswartz further discloses that cookies can be utilized whereby a server generates and transmits a request to a portable computer system to transmit multiple profile elements that specify consumer preferences:

“(8) Currently, advertisers are able to implement a limited form of targeted advertising over the Internet. This is accomplished by sending a block of data, such as a "cookie," from a remote host or server (i.e., a Web server) maintained by an advertiser to a computer (i.e., a client system) that has access to the remote server via the World Wide Web. A cookie, as used in network and Internet communication, is a block of data or state object that a Web server stores on a client system. When the client system accesses a Web site within a limited range of domain names, the client system automatically transmits a copy of the cookie to the Web server that serves the Web site. The cookie may include a unique cookie number corresponding to the client system. Thus, the cookie can be used to identify the client system (by identifying the Web browser) and to instruct the server to send a customized copy of the requested Web page to the Web browser (col 2, lines 3-20).

(9) Since cookies are also used to track a consumer's online activity, a Web server can deliver targeted advertisements to a consumer's Web browser, based on the consumer's online activity. For example, if a cookie tracks the various IP addresses accessed by the consumer's computer, the Web server can deliver ad banners to the consumer's Web browser based on the IP addresses the Web browser has accessed. Thus, the cookie can be used to record the online activity of a consumer, and information regarding the consumer's tastes and tendencies can be inferred from the consumer's online activity. Using this inference, an advertiser can try to target specific advertisements to specific computer consumers, based on the record of the computer consumers' online activities.

That is, the advertiser can try to expose the computer consumers to advertisements designed to appeal to their particular tastes and interests” (col 2, lines 20-35).

Note in Gardenswartz disclosure on cookies above that the server requests the cookie information from the portable computer and that the cookie information includes multiple profile element information including consumer preference information.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Hence, it is the combination of Klug, Gardenswartz, and Madison that renders the features of the Appellant’s claims obvious.

On page 8 of the Appellant’s Appeal Brief dated 6/13/06, Appellant states the combination of the prior art fails to disclose or suggest, “generating a request to transmit a plurality of profile elements to a selected server system from among a plurality of server systems” and “transmitting said request to a portable computer system in response to a determination that said portable computer system is within a particular proximity to said plurality of server systems”.

In regards to the features of “generating a request to transmit a plurality of profile elements to a selected server system from among a plurality of server systems”, Examiner notes that Klug discloses that the third party website/server requests registration/profile information from the user and/or registrar website (Fig. 4a; Fig 4a, item 416, item 424). Examiner further notes that there are numerous website/server systems (Fig. 1; Fig. 1, item 116). Hence, Klug

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discloses that a selected server system/website from among several server systems/websites requests the transmission of profile elements.

Also, note that the website(s) in Klug are associated with different server(s):

“The World Wide Web (WWW) is a global communications network having a client-server model as a paradigm for communications. That is, users on client nodes utilizing so called "web browsers" navigate the WWW to access desired server nodes (known as web sites) for at least obtaining information from the server nodes such as hypertext, audio, video, virtual reality, data, etc” (col 1, lines 30-37).

Hence, the website(s) in Klug are also analogous with server(s).

In regards to, “transmitting said request to a portable computer system in response to a determination that said portable computer system is within a particular proximity to said plurality of server systems”, as noted in the rejection above and also in the Response to Arguments above, Gardenswartz discloses that the computer connected to the Internet can be portable. Also, MPEPE 2144.04.V.A. discloses that it is obvious to make a device portable. And, Gardenswartz, as noted in the rejection above, disclose that location can be a criteria for determining whether to communicate with a user or not (Gardenswartz, col 16, lines 35-50).

And, as noted above in reference to Gardenswartz and cookies, Gardenswartz can send a request of the cookie/profile/preference information to the portable user computer. Hence, Gardenswartz discloses that proximity or location can be a criteria for determining whether or not communicate with a user and that when communicating with a user/ portable user computer that a request of cookie/profile/preference information can be sent. Also, note that since the user online activity that provides user preference information keeps changing over time that the server/website can request the user profile elements more than once over time in order to attain the most up to data concerning a user.

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And, please see the addition of the Madison reference in the rejection of the independent claims above.

Hence, the combination of the prior art renders obvious transmitting said request to a portable computer system in response to a determination that said portable computer system is within a particular proximity to said plurality of server systems.

Klug further discloses utilizing personal information and/or location information in reference to communicating with a user (Fig. 3, item 308; and citation below):

“(4) Thus, in order to obtain these web site measurements, such web sites have begun requesting that each user provide information about himself/herself prior to the web site allowing access to web site services. That is, such web sites require a user to "register" at the web site, wherein the user is required to establish a user identification (user ID) and optionally a password with the web site as well as typically provide personal information such as, for example, the city of residence or family size” (col 1, lines 45-56).

Therefore, as noted in the Rejection above, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's and Madison's utilizing proximity to determine whether or not to communicate to a user to Klug's communicating with a user, targeting a user, and user location information. One would have been motivated to do this in order to communicate with the user when the information may be of higher relevance to the user.

Also, Examiner notes that the determining if a user is in proximity of a server system(s) is equivalent to determining if the user is proximate to a particular location of relevance as disclosed in the prior art above. The city, store, offline merchant, online merchant, disclosed in



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the prior art above utilize electronic communications to communicate with the user via the Internet. Hence, determining if a user is proximate to a server system is equivalent to determining if a user is proximate to a particular geographic location/area (city, online merchant, offline merchant, etc) where that geographic location/area utilizes electronic communications to communicate with the user via the Internet. And, the prior art above discloses that the geographic locations (city, online merchant, offline merchant, etc) utilize electronic communications and the Internet.

On page 9, Appellant states the combination of the prior art fails to disclose or suggest, “wherein said selected server system is identified at said portable computer system utilizing data within said plurality of profile elements specifying a consumer preference”.

However, Klug discloses that the user computer can locally store user profile information and information on which websites/servers the user has registered with (col 6, lines 27-40).

And, Klug further discloses that a server system can be identified as having been priorly selected by a user before or not (Fig. 4a, item 412). And, note that Klug’s user selecting which websites or not to register with and then recording this information functions as recording the user preference of which websites the user prefers to belong to or not.

Also, Klug further discloses that selected server system is identified at said portable computer system utilizing data within said plurality of profile elements specifying a consumer preference:

“(10) In either embodiment, the present invention may also provide a "mass" registration capability, wherein a user may request that the present invention automatically register the user at a plurality of web sites. For example, the user may be provided with a

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capability to search for web sites cooperating with the present invention by, for example, category and request an automatic registration at multiple web sites substantially simultaneously” (col 2, line 65-col 3, line 7). Note that the user enters the preference for selected server system(s)/website(s) to which the user wants to register and that this information of selected server system(s)/website(s) is stored in the user profile that is locally kept.

And, Klug further discloses targeting users based on preferences:

“Further, such third party web sites 116 may periodically provide the registrar web site 100 with information related to the frequency that users registered at the registrar web site 100 have accessed the third party web sites 116. Therefore, by also storing this information, for example, in the registrar access log 152, the registrar web site 100 is able to determine the frequency and type of access of third party web sites 116 by users” (col 5, lines 45-55).

Also, note that Gardenswartz discloses that said selected server system is identified at said portable computer system utilizing data within said plurality of profile elements specifying a consumer preference in response to receipt of said request at said portable computer system (col 2, lines 3-55; col 11, lines 24-35).

Also, note that Gardenswartz discloses utilizing user cookie/profile/preference information for registration purposes (col 11, lines 24-35).

Hence, the combination of the prior art renders obvious the features of the Appellant’s claims.

### *Conclusion*

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Leonard (20020120629), Kaddeche (20030036949), Dietz (20040102197) disclose utilizing proximity and geographical information and cookies to determine whether or not to communicate with a user;

b) Also, Meyer (6,915,271) further discloses that selected server system is identified at said portable computer system utilizing data within said plurality of profile elements specifying a consumer preference:

“(19) PCT publication WO9819224 to O'Toole et al., entitled CONTROLLED TRANSFER OF INFORMATION IN COMPUTER NETWORKS, relates to techniques for controlling transfers of information in computer networks. One technique involves transmitting smart digital offers based on information such as coupons and purchasing histories stored at the computer receiving the offer. Another technique involves transmitting from a server computer to a client computer a request for a user's personal profile information, and activating a client avatar that compares the request for personal profile information with a security profile of the user limiting access to personal profile information” (col 3, lines 55-67).

Hence, Meyer discloses that the user computer system can determine which server systems to provide profile information with or how much profile information to provide based on user specified profile information sharing criteria.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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8/2/2006